

H. W. OATTIS, Sworn for the State. I am connected with the fire department of the city of Atlanta, in the capacity of fire inspector and have been serving in this capacity as fire inspector since February 1, 1910. I am familiar with the building on South Forsyth Street, partially occupied by the National Pencil Company. It was my duty to make frequent inspections of this building from time to time to see that those in charge complied with the ordinances and regulations as to fire risks and hazards. I frequently did make, from time to time such inspections, including the basement of this building, owing to the fact that this building was an old one, and in this basement was a furnace. I am personally acquainted with Leo M. Frank and also with Mr. Darley, both of whom were connected with the National Pencil Company. From time to time I called their attention to the fact that they were failing to comply with the city ordinances and especially as to accumulation of trash and paper and other combustible material and I have personally heard both Mr. Frank and Mr. Darley give specific directions to their negro employees to clean up this trash and to keep it cleaned up. I have compelled the officials, including Mr. Frank and Mr. Darley, through their employees to clean up the basement of the factory in compliance with the ordinance of the City of Atlanta, Code section 1099. Pursuing the terms of the said ordinance, I did inspect from time to time the basement of the National Pencil Factory during the period prior to April 26, 1913, and from the date indicated, that is from and about February 1, 1910, regularly and continuously up to April 26, 1913 and since that date. Mr. Frank took up with me the matter of being allowed to plate empty boxes for shipping, temporarily in the basement, which was allowed, provided these boxes would only remain a short time to go out as they were needed in shipping and to be so arranged and stacked regularly as not to prevent the cleaning of the basement of paper, trash or other combustible material. I can be positive that the basement of the National Pencil Factory was cleaned of trash, paper and other combustible material between January 1, 1913 and April 26, 1913, and I can also be positive that the basement of the factory was not allowed to have stored therein papers. I have examined the order book marked Exhibit A of the National Pencil Factory attached to the affidavit of Mr. Phillip Chambers updated April 20, 1914, and I can say to the best of my knowledge and belief that I never saw any such books or similar paper material in the basement of the National Pencil Factory, and if I had so seen same, or any other paper located therein, I would have ordered it removed at once. (The following is a certified copy of City Ordinance, Section 1099, referred to in the above affidavit.)

“CODE OF THE CITY OF ATLANTA,
Page 311, Section 1099.

Sec. 1099. Combustible matter in Building, Cellars or Yards to be removed . . . Inspection by Chief of Fire Department — No person shall be permitted to place and let remain in any box, barrell or otherwise, in any building, cellar, street, alley-way, or yard within the fire limits, longer than six hours, any loose straw, hay, paper or other combustible matter; and all owners or occupants of buildings or cellars within said limits are hereby required to permit the chief of the fire department, or any member thereof designated by him, or any officer or member of the police force, to inspect their buildings, cellars and premises, to see if this ordinance is being complied with, and it is hereby made the duty of the Chief of the Fire Department, and of the police force to make such inspection.

STATE OF GEORGIA,
COUNTY OF FULTON,
CITY OF ATLANTA.

I, Walter, Taylor, Clerk of Council of the City of Atlanta, a municipal corporation, in said County, under the laws of said State, do hereby certify that I am the Clerk of Council of the City of Atlanta as aforesaid, and that as such I have in my custody and care the laws, ordinances and records of legislation of the said City of Atlanta, including the Code of the City of Atlanta, in which are codified the ordinances of the City of Atlanta, in force; that the above and foregoing is a true and correct copy of section 1099 of the Code of Atlanta of 1910, as same appears of record and file in my office as such

Clerk of Council. In witness whereof I have hereunto set my official hand and seal this the twenty third day of April, 1914. Walter Taylor, Clerk of Council of the City of Atlanta.” (Seal)